

HB262 INTRODUCED



1 HB262
2 V1GCVVL-1
3 By Representative Colvin (Constitutional Amendment)
4 RFD: Local Legislation
5 First Read: 28-Feb-24



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SYNOPSIS:

This bill would propose an amendment to the Constitution of Alabama of 2022, relating to Marshall County, to provide that Marshall County would be a wet county for the purposes of the laws of this state relating to alcoholic beverages and would further authorize the regulation of the sale of alcoholic beverages in the unincorporated areas of the county.

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 2022, relating to Marshall County, to provide that Marshall County would be a wet county for the purposes of the laws of this state relating to alcoholic beverages and would further authorize the regulation of the sale of alcoholic beverages in the unincorporated areas of the county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

PROPOSED AMENDMENT

(a) Effective on the first day of the month after the



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29 ratification of this amendment, based on the favorable vote to
30 ratify this amendment, Marshall County shall be a wet county
31 as otherwise provided by the laws of this state in Title 28,
32 Code of Alabama 1975, relating to alcoholic beverages.

33 (b) (1) For the purposes of this amendment, the term
34 "unincorporated area of the county" means any area of the
35 county outside of the corporate limits of an operating
36 municipality with an elected mayor and municipal council.

37 (2) a. The Marshall County Commission, by resolution of
38 the county commission, may regulate the sale of alcoholic
39 beverages on the unincorporated area of the county and may
40 require each individual or entity selling alcoholic beverages
41 in the unincorporated area of the county to have a separate
42 business license to sell alcoholic beverages. The Marshall
43 County Commission may set additional requirements for an
44 individual or entity to sell alcoholic beverages for
45 on-premises consumption in addition to the requirements of the
46 Alabama Beverage Control Board.

47 b. After the implementation of the license required by
48 this section, no individual or entity may sell alcoholic
49 beverages in the unincorporated area of the county without a
50 valid county business license. The fees for the issuance of
51 the business license shall be set by the county commission for
52 an annual license. The fee for a business license may vary
53 based on the type of license issued by the ABC Board.

54 c. The requirements for a business license for
55 on-premises consumption pursuant to this section may include
56 the following:



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57 1. Inspections relating to fire safety as determined
58 necessary by the state Fire Marshal and compliance with any
59 requirements of the inspection, including maximum occupancy of
60 the premises.

61 2. Compliance with all requirements and inspections of
62 the Marshall County Health Department relating to food and
63 beverage service and septic or sewer service.

64 d. Any violations of the requirements of this section
65 may result in the denial of a license or the revocation of the
66 license. The Marshall County Commission may enforce the
67 provisions of this section by appropriate injunctive relief in
68 the Circuit Court of Marshall County.

69 (3) In addition to any taxes authorized by law, the
70 Marshall County Commission may levy additional taxes,
71 including privilege license taxes, on the sale of alcoholic
72 beverages in the unincorporated areas of the county. The
73 proceeds from the taxes shall be deposited in the county
74 general fund. Fifty percent of the proceeds shall be further
75 distributed to the Marshall County Board of Education.

76 (c) The provisions of this amendment shall be
77 self-executing, but the Legislature by local law may enact
78 additional provisions to implement and regulate the sale of
79 alcoholic beverages in the unincorporated area of the county,
80 including providing for misdemeanor criminal penalties for
81 violations of any local law or any regulation of the county
82 commission.

83 Upon ratification of this constitutional amendment, the
84 Code Commissioner shall number and place this amendment as



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85 appropriate in the constitution omitting this instructional
86 paragraph and may make the following nonsubstantive revisions:
87 change capitalization, hierarchy, spelling, and punctuation
88 for purposes of style and uniformity; correct manifest
89 grammatical, clerical, and typographical errors; revise
90 internal or external citations and cross-references; harmonize
91 language; and translate effective dates.

END PROPOSED AMENDMENT

93 Section 2. An election upon the proposed amendment
94 shall be held in accordance with Sections 284, 284.01, and 285
95 of the Constitution of Alabama of 2022, and the election laws
96 of this state. The appropriate election official shall assign
97 a ballot number for the proposed constitutional amendment on
98 the election ballot and shall set forth the following
99 description of the substance or subject matter of the proposed
100 constitutional amendment:

101 "Relating to Marshall County, proposing an amendment to
102 the Constitution of Alabama of 2022, to This bill would
103 propose an amendment to the Constitution of Alabama of 2022,
104 relating to Marshall County, to provide that Marshall County
105 would be a wet county for the purposes of the laws of this
106 state relating to alcoholic beverages and would further
107 authorize the regulation of the sale of alcoholic beverages in
108 the unincorporated areas of the county.

109 Proposed by Act ____."

110 This description shall be followed by the following
111 language:

112 "Yes () No ()."



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113 Section 3. The proposed amendment shall become valid as
114 part of the Constitution of Alabama of 2022, when approved by
115 a majority of the qualified electors voting thereon.

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